


**WASTE EVALUATION & ENFORCEMENT BRANCH CHIEF  
ACTION REQUEST**

**To:** Lorraine Van Kekerix, Branch Chief  
Waste Evaluation and Enforcement Branch

**From:**   
Georgianne Turner, Section Manager  
Solid Waste Enforcement Section

**Prepared By:** Randy Friedlander, Solid Waste Enforcement Section

**Request Date:** June 24, 2011

**Action By:** July 1, 2011

**Decision Subject:** Consideration of an Extension to the Compliance Schedule Due Date for a Facility Included on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory), Bishop-Sunland Solid Waste Site (14-AA-0005), Inyo County

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**SUMMARY**

On March 3, 2009, the facility was placed on the Inventory for ongoing violations of Title 27 CCR, Section 20921 – Gas Monitoring and Control and Title 27, CCR Section 21600 – Report of Disposal Site Information. Subsequently, the Inyo County LEA issued a Compliance Schedule on March 20, 2009, which required the operator to ensure that the concentration of methane at the property boundary does not exceed 5% by volume in air and to submit an application for permit revision to address footprint modifications, an increase in daily tonnage, and updates to the Report of Disposal Site Information (RDSI) by March 3, 2010. The compliance dates were revised twice requiring the operator to correct the violations by March 3, 2011.

The operator, Inyo County Integrated Waste Management Department (IWMD), has since corrected the ongoing violation of 27 CCR, Section 20921 by installing an additional landfill gas extraction well (corrected May 25, 2011). In addition, the IWMD completed a permit revision application and submitted it to the property owner, Los Angeles Department of Water and Power (LADWP), for signature prior to submittal to the LEA. However, LADWP did not sign the permit revision application. Therefore, additional time is needed for the operator to continue to work with the property owner and LEA to submit a complete application package.

**OPTIONS**

1. Approve the extension for the proposed compliance due date to December 25, 2011.
2. Deny the extension to the compliance due date.



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### **ANALYSIS AND FINDINGS**

#### **Background**

The Bishop-Sunland Solid Waste Site is a permitted solid waste disposal site located at 110 Sunland Reservation Road, Bishop, California. On October 31, 2005, the Inyo County LEA completed a five-year permit review report, as required in 27 CCR, Section 21675 – Review of Permits. In this review, the LEA directed the IWMD to prepare a permit revision application package to address footprint modifications, an increase in daily tonnage, and updates to the RDSI.

Due to consecutive violations of 27 CCR, Sections 20921 and 21600, CalRecycle issued a Notice of Intent (NOI) letter to the IWMD and LADWP on February 23, 2009, to include the facility on the Inventory in accordance with Public Resources Code (PRC) Section 44104. On March 3, 2009, CalRecycle included the facility on the Inventory since the violations for 27 CCR, Sections 20921 and 21600 were not corrected within 90 days of the owner/operator receiving the NOI. The LEA issued a Compliance Schedule to the IWMD on March 20, 2009, with a final compliance date of March 3, 2010. Since the operator was making progress to correct the violations, the LEA issued a Revised Compliance Schedule on February 19, 2010, which included a final compliance date of September 3, 2010. The LEA issued the Revised Compliance Schedule based on the operator's efforts to correct the violations by working to install 11 new landfill gas monitoring wells (in accordance with the LEA and CalRecycle approved landfill gas monitoring plan and implementation extension) and submittal of a draft complete application to revise the solid waste facility permit, with the exception of the LADWP (land owner) signature.

On September 30, 2010, the LEA issued another Revised Compliance Schedule, extending the deadline for submitting a permit revision package, including an updated RDSI, and to control methane migration at the permitted facility boundary, to March 3, 2011. The IWMD completed the installation of the new perimeter landfill gas monitoring well network as required. Following installation of the new landfill gas monitoring wells, Gas Well 10 (GW-10) exceeded 5% methane by volume in air at the permitted facility boundary. The IWMD mitigated this exceedence with a gas extraction well and pump system. However, GW-1 later exceeded 5% methane by volume in air. The IWMD proposed to mitigate this new methane exceedence by connecting the nearest passive gas extraction well to the blower network. In addition, the IWMD prepared and submitted a permit revision application to LADWP for signature; however, LADWP did not sign the application form. It is CalRecycle staff's understanding that the IWMD attempted to obtain LADWP's signature on the permit application several times, but was not successful.

While waiting for LADWP's signature on the permit revision application, the due date for the next permit review passed (October 31, 2010). As a result, the LEA issued Notice and Order 11-01 (N&O) to both the IWMD and LADWP on March 15, 2011 for violations of 27 CCR Sections 20921 and 21640. The issuance of this N&O was the first time the LEA issued an enforcement action that included LADWP to correct these violations. Following issuance of the N&O, LADWP contested the validity of the N&O, citing failure to be adequately notified per PRC Section 45010.2. The LEA's legal office concurred with LADWP and the LEA subsequently rescinded the N&O, and entered into negotiations with LADWP and IWMD to agree on a Revised Compliance Schedule addressed to both LADWP and IWMD. The IWMD is in the process of preparing an application for permit review which will be submitted to LADWP for review and signature.



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Since the March 15, 2011 N&O was rescinded and the LEA entered into negotiations with LADWP and IWMD on time frames to submit the application for permit review, including an updated RDSI, the LEA is requesting to extend the compliance dates in the September 30, 2010 Revised Compliance Schedule to December 25, 2011. The LEA continues to cite a violation of 27 CCR, Section 21600 as well as 27 CCR, Section 21640 on their monthly inspection reports. As noted in the LEA's May 25, 2011 inspection report, all landfill gas monitoring wells are currently in compliance.

**FINDINGS**

The IWMD has made progress and a good faith effort in bringing the facility back into compliance by correcting the methane exceedence, revising the RDSI, and submitting an application for permit revision package to LADWP for signature. Also, the LEA has negotiated with LADWP on a revised compliance schedule and LADWP is now aware of the requirements as the land owner and has indicated a willingness to work with the IWMD and LEA to resolve the permit application submittal process, need to update the RDSI and completion of the permit review process. Based on the factors set forth in Title 14 CCR 18084, the IWMD and LADWP are making a good faith effort to bring the facility into compliance and the LEA is taking appropriate enforcement action. Therefore, it is reasonable to grant the additional time to allow the IWMD to work with LADWP to complete the permit review application process and any subsequent permit action that the LEA determines (as part of the permit review report) is necessary to bring the facility into compliance.

**RECOMMENDATION**

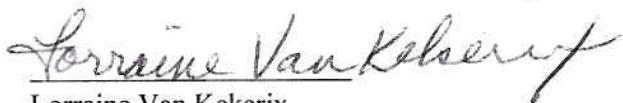
CalRecycle staff recommends that the facility be granted the extension to December 25, 2011.

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**BRANCH CHIEF ACTION**

On the basis of the information in this Request for Action, I hereby issue, pursuant to 14 CCR, Section 18365(b), approval of a nine month extension to the Revised Compliance Schedule issued by the Inyo County LEA on September 30, 2010 to the owner and operator of the Bishop-Sunland Solid Waste Site (14-AA-0005) to December 25, 2011.

Dated: *June 27, 2011*



Lorraine Van Kekerix  
Branch Chief  
Waste Evaluation and Enforcement Branch

Attachment (Request Letter)

